

**UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**



IN RE:)	CASE NO. 03-06936-M
)	Chapter 7
JERRY ALLEN KITE and LILLIE MAJALIA KITE,)	
)	
Debtors.)	
)	
PATRICK J. MALLOY III, TRUSTEE,)	
)	
Plaintiff,)	
)	
vs.)	Adv. No. 04-1081-M
)	
BENEFICIAL,)	
)	
Defendant.)	

ORDER GRANTING JUDGMENT BY DEFAULT

THIS MATTER having come on for consideration this 13th day of August, 2004, upon Plaintiff/Trustee's Motion for Default Judgment the Court finds:

1) This matter represents the Plaintiff/Trustee's attempt to recover from the Defendant the sum of \$6,500 pursuant to 11 U.S.C. 547 and is, therefore, a core proceeding pursuant to 28 U.S.C. 1334(b) and 157(b)(2)(A).

2) That the Plaintiff/Trustee filed the Complaint seeking to recover the referenced sums on the 26th day of March, 2004.

3) That the Complaint alleges facts which are sufficient to support the Entry of Judgment in favor of the Plaintiff/Trustee for the referenced sum.

4) On the 1st day of April, 2004, the Plaintiff/Trustee served the Defendant with the Summons and Complaint as evidenced by the Plaintiff/Trustee's Certificate of Service, a copy of which is attached to the Plaintiff/Trustee's Motion for Default Judgment.

5) That pursuant to Rule 7012 FRBP, the Defendant had 30 days to answer the Complaint. More than 30 days have elapsed since service. To date, the Defendant has not filed an answer or otherwise pled to the Complaint.

6) That pursuant to Rule 7055 FRBP, the Clerk was requested to enter a default against the Defendant on the 3rd day of August, 2004. On the 5th day of August, 2004, the Clerk entered a default. Based upon these findings, it is appropriate to grant judgment in favor of the Plaintiff/Trustee for the above referenced sum pursuant to 11 U.S.C. 547.

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED that:

1) The Plaintiff/Trustee is granted judgment for the sum of \$6,500 pursuant to 11 U.S.C. 547;

2) The Clerk of the Bankruptcy Court is directed to leave this adversary proceeding open for a period of 90 days from the entry of this Order and, if no further papers are filed relating to this adversary proceeding, the Clerk is authorized to close this adversary proceeding.

Dated this 13th day of August, 2004.

BY THE COURT:



TERRENCE L. MICHAEL, CHIEF JUDGE
UNITED STATES BANKRUPTCY COURT

Submitted by:
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